Supreme Court, U.S.
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No. 05-164

IN THE

Supreme Court of the United States

GLENN WILLIAM PINFIELD,

Petitioner,

v.

BREVARD COUNTY SHERIFF JACK PARKER,

Respondent.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

PETITION FOR A WRIT OF CERTIORARI

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QUESTIONS PRESENTED

To place the first two Questions Presented in context, the following background information is needed: Respondent's policy is for its courthouse deputies to anticipate and satisfy the desires — lawful or not — of local judges. Petitioner was arrested without probable cause in April, 1997, by Respondent's deputy while Petitioner was handing out leaflets that were, inter alia, critical of all local judges, singling out two judges by name. Petitioner's criminal case was transferred to one of the named judges, and that judge issued a "Failure To Appear" bench warrant for Petitioner's non-appearance at a hearing that was not actually set or noticed. In September, 1997, while walking through the courthouse on his way to a scheduled hearing to vacate that bench warrant, Petitioner was arrested by the same Deputy and imprisoned in a courthouse cell, even though the Deputy knew the warrant was invalid and did not provide probable cause. Although the judge vacated the warrant and mockingly ordered Petitioner released, Respondents deputies interpreted the judge's desires and transported Petitioner to jail, thereby continuing to seize Petitioner without probable cause. In December, 1997, while Petitioner was leafletting on a city sidewalk fronting another local courthouse, Respondent's deputies followed the other named judge's desires by unlawfully confiscating Petitioner's leaflets and ordering Petitioner to leave the municipal area and not to return.

I. WHETHER THE COURT OF APPEALS' DECISION CONFLICTED WITH THIS COURT'S RULINGS AND SANCTIONED UNJUST JUDICIAL PROCEDURES IN AFFIRMING SUMMARY JUDGMENT ON THE BASIS OF INSUFFICIENT EVIDENCE OF § 1983 POLICY AND CUSTOM, WHERE THE DEFENDANT SHERIFF'S ADMISSIONS AND OTHER SUBSTANTIAL EVIDENCE SHOWED THAT

THE SHERIFF'S POLICY AND CUSTOM WERE FOR THE SHERIFF'S COURTHOUSE DEPUTIES TO ANTICIPATE AND FULFILL THE WISHES — EVEN UNCONSTITUTIONAL WISHES — OF THE JUDGES; I.E., A MODERN EXAMPLE OF THE HISTORICALLY RECOGNIZED THOMAS BECKET SYNDROME[1]; THAT RESULTED IN UNCONSTITUTIONAL ARRESTS OF PETITIONER AND MULTIPLE SUPPRESSIONS OF PETITIONER'S SPEECH THAT THE DEPUTIES KNEW TO BE VEXING AND TROUBLESOME FOR THE JUDGES.

II. WHETHER THE COURT OF APPEALS' DECISION CONFLICTED WITH THIS COURT'S RULINGS AND SANCTIONED UNJUST JUDICIAL PROCEDURES IN AFFIRMING SUMMARY JUDGMENT ON UNREASONABLE SEIZURE CLAIMS, WHERE THE EVIDENCE SHOWS THAT SHERIFF'S DEPUTIES FOLLOWED POLICY IN ARRESTING PETITIONER IN THE COURTHOUSE ON HIS WAY TO A HEARING TO VACATE A BENCH WARRANT THEY KNEW TO BE INVALID AND ERRONEOUS, AND IN CONTINUING TO HOLD PETITIONER AFTER KNOWING THAT THE WARRANT WAS VACATED.

To place the two remaining Questions Presented into context: After the instant case was brought in federal court, the

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[1] In 1170, King Henry II, frustrated by the dissenting speech and actions of Thomas Becket, shouted, "Will no one rid me of this turbulent priest?" Overhearing Henry's cry, four of Henry's knights sallied forth from Henry's court, accosted Becket, and demanded retraction. When Becket refused, the Knights slew him.

Magistrate Judge denied Petitioner's motion to amend to include common law claims of false arrest; and, thereafter, Petitioner's Fourth Amendment and First Amendment claims, under 42 U.S.C. § 1983, were dismissed on a Rule 56 motion for summary judgment.

III. WHETHER THE COURT OF APPEALS' DECISION SANCTIONED UNJUST JUDICIAL PROCEDURES IN AFFIRMING THE DENIAL OF PETITIONER'S MOTION TO AMEND OUT OF TIME TO CLAIM COMMON LAW FALSE ARREST, WHERE PETITIONER WAS PRECLUDED BY STATE LAW FROM FILING THE CLAIM PRIOR TO THE AMENDMENT DEADLINE IN THE SCHEDULING ORDER; WHERE ALL OF THE ELEMENTS OF THE CLAIM, SUCH AS LACK OF PROBABLE CAUSE, WERE FULLY LITIGATED AS ELEMENTS OF THE FOURTH AMENDMENT CLAIMS OF UNREASONABLE SEIZURE, THE FALSE ARREST CLAIM ESSENTIALLY BEING A LESSER INCLUDED OFFENSE OF THE FEDERAL CLAIMS; AND, WHERE THE COURT PROVIDED A LEGALLY INSUFFICIENT BASIS FOR THE DENIAL OF THE MOTION TO AMEND.

IV. WHETHER THE COURT OF APPEALS' DECISION CONFLICTED WITH THIS COURT'S RULINGS AND SANCTIONED UNJUST JUDICIAL PROCEDURES IN DEROGATION OF PINFIELD'S SEVENTH AMENDMENT RIGHT TO A JURY TRIAL, WHERE THE COURT OF APPEALS DISREGARDED THIS COURT'S WELL-ESTABLISHED STRICTURES REGARDING

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